

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DEBRA MCCARTHY,
DEVIN MCARTHY, and
OLUWATOMISIN OLASIMBO,

Plaintiffs

v.

RAUL JAUREGUI and
DANIEL BOYE,

Defendants

: No. 3:21cv1759
:
: (Judge Munley)
:
: (Magistrate Judge Carlson)
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ORDER

AND NOW, to wit, this 27 day of March 2024, it is hereby **ORDERED**
as follows:

1) Magistrate Judge Martin C. Carlson's report and recommendation
("R&R") (Doc. 43) is **ADOPTED** in part -

A) The R&R is **ADOPTED** regarding the jurisdictional issue raised as
a part of Defendant Daniel Boye's motion to dismiss (Doc. 15) and that
portion of the motion is **DENIED**;

B) The R&R is **ADOPTED** with regard to the portion of Defendant
Daniel Boye's motion to dismiss Count 1 of the complaint and that portion
of the motion to dismiss is **DENIED**;

C) The R&R is also **ADOPTED** with regard to the motions to dismiss Count 6 of the complaint, and those portions of the motions to dismiss are **GRANTED**. Count 6 is **DISMISSED**;

D) The R&R is **ADOPTED** with regard to the portion of Defendant Jauregui's motion to dismiss (Doc. 13) aimed at the intentional infliction of emotional distress claim found in Count 5 and that portion of the motion is **DENIED**;

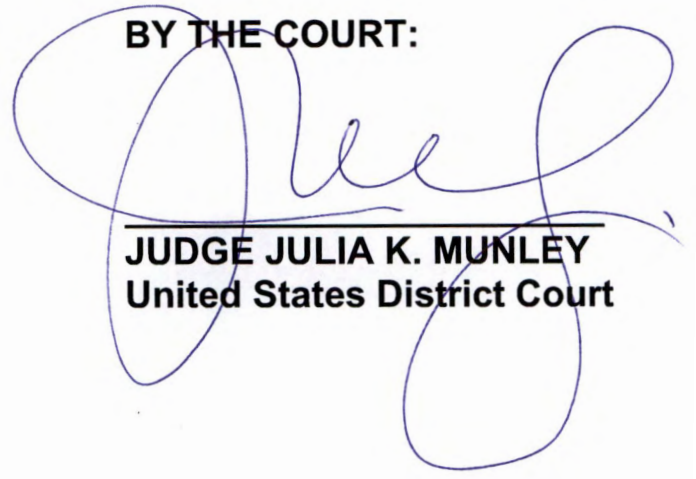
E) The R&R is **ADOPTED** with regard to Defendant Daniel Boye's motion for sanctions (Doc. 16) and this motion is **DENIED**;

2) The R&R is **NOT ADOPTED** with regard to the motions to dismiss Counts 2, 3, and 4 of the amended complaint and the portions of the motions to dismiss (Doc. 13, Doc. 15) dealing with these counts are **GRANTED**. Counts 2, 3, and 4 are **DISMISSED**;

3) Remaining in this case are Count 1 – Plaintiff Devin McCarthy versus Daniel Boye for battery and Count 5 – Plaintiff Devin McCarthy versus both defendants for intentional infliction of emotional distress. Accordingly, Plaintiffs Debra McCarthy and Oluwatomisin Olasimbo are completely dismissed from this case; and

4) The Clerk of Court is directed to remand this case to Magistrate Judge Carlson for further pretrial management.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Julia K. Munley', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke.

JUDGE JULIA K. MUNLEY
United States District Court